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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 66th MEETING
(SECOND PART)*

Held at the Palais des Nations, Geneva,
on Wednesday, 9 March 1994, at 7 p.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

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(a) Status of the Convention on the Rights of the Child

* The summary record of the first part of the meeting appears as document E/CN.4/1994/SR.66.

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GE.94-12323 (E)

(b) Report of the Special Rapporteur on the sale of children

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(agenda item 22) (continued) (E/CN.4/1994/L.23/Rev.1, E/CN.4/1994/L.55, E/CN.4/1994/L.88, E/CN.4/1994/L.92, E/CN.4/1994/L.98)

Draft resolution on the need to adopt effective international measures for the prevention and eradication of the sale of children, child prostitution and child pornography (E/CN.4/1994/L.23/Rev.1) (continued)

1. After points of order in connection with the Canadian proposal to adjourn the debate on the revised draft resolution had been raised by Mr. BUTLER (Australia) and Mr. RODRIGUEZ ALPIZAR (Costa Rica), the CHAIRMAN invited the Commission to vote on the proposal.

2. The Canadian proposal was rejected by 33 votes to 17, with 1 abstention.

3. Mr. EICHER (United States of America), speaking in explanation of vote before the voting, said he regretted that the Commission had not seen fit to allow time for further consultations on the issue. In view of the existing situation, his delegation would not participate in the voting.

4. Mr. BROTODININGRAT (Indonesia) said that his delegation fully supported the revised draft resolution and was pleased that it could be adopted by consensus. He hoped that the cautious approach that some delegations had adopted earlier in the discussion would be consistently in evidence when other aspects of human rights were being discussed.

5. Draft resolution E/CN.4/1994/L.23/Rev.1 was adopted.

Draft resolution on the implementation of the Convention on the Rights of the Child (E/CN.4/1994/L.55)

6. Ms. PENNEGARD (Observer for Sweden), introducing the draft resolution on behalf of its sponsors, said that it was based on drafts prepared by the observer delegations of Greece and Sweden. She recalled that the World Conference on Human Rights had given the Committee on the Rights of the Child a direct mandate to study the question of raising the minimum age of recruitment into the armed forces. The Committee had, consequently, submitted to the Commission a preliminary draft optional protocol to the Convention, on the Rights of the Child. The draft resolution under consideration would thus establish an open-ended working group to elaborate such a protocol as a matter of priority.

7. The sponsors had made a number of changes to the draft resolution. In the first line of the sixth preambular paragraph, the word "Parties" should be inserted after the word "States". In the twelfth preambular paragraph, the word "the" before the word "reservations" in the first line should be replaced by "those" and the word "treaty" should be inserted after the word "international" in the second line.

8. In the sixth line of operative paragraph 16, the word "preliminary" should be inserted before the words "draft optional protocol". In addition, a new operative paragraph 26 should be added to read:

> "Recommends the following draft resolution to the Economic and Social Council for adoption:
>
> "Question of an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts
>
> The Economic and Social Council,
>
> Recalling Commission on Human Rights resolution 1994/.. of ... March 1994,
>
> 1. Authorizes an open-ended inter-sessional working group of the Commission on Human Rights to meet for a period of two weeks prior to the fifty-first session of the Commission in order to elaborate, as a matter of priority, a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts;
>
> 2. Requests the Secretary-General to extend to the working group all services it requires to be able to meet prior to the fifty-first session of the Commission on Human Rights, and to transmit the report of the working group to Governments, the specialized agencies, the chairpersons of the human rights bodies, the expert appointed to undertake a comprehensive study on the situation of children in armed conflicts, the Special Rapporteur on the sale of children, child prostitution and child pornography, and the intergovernmental and non-governmental organizations concerned."

9. She hoped that the draft resolution would be adopted by consensus.

10. Mr. LEBAKINE (Acting Secretary of the Commission) said that the delegations of Angola, Australia, Austria, Bulgaria, Costa Rica, Cyprus, Germany, Guinea-Bissau, Hungary, Italy, Kenya, Mexico, Republic of Korea, Romania, Russian Federation and Uruguay and the observers for Belgium, Ethiopia, Madagascar, Spain, Swaziland, Switzerland, Viet Nam and Zimbabwe had become sponsors of the draft resolution.

11. Mr. PEREZ NOVOA (Cuba) said that his delegation wished to become a sponsor of the draft resolution which, he hoped, would be adopted by consensus.

12. Mr. RODRIGUEZ ALPIZAR (Costa Rica) said that the establishment of the proposed working group would be a first step towards resolving the problem of children in armed conflict.

13. Draft resolution E/CN.4/1994/L.55, as orally revised, was adopted.

Draft resolution on the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1994/L.88)

14. Mrs. GOMES (Observer for Portugal), introducing the draft resolution on behalf of its sponsors, said that, in response to suggestions, they had decided to delete the twelfth preambular paragraph and operative paragraph 17, since both of them were already covered by the draft resolution that had just been adopted. In the last line of operative paragraph 24, the words "his provisional report to the next session of the General Assembly and" should be inserted between the words "submit" and "his". That change had been made in order to bring the draft resolution into line with General Assembly resolution 48/156 which requested such a provisional report from the Special Rapporteur. She hoped that, with those revisions, the draft resolution, could be adopted by consensus.

15. Mr. LEBAKINE (Acting Secretary of the Commission) said that the delegations of Brazil, Canada, Cuba, Ecuador, Germany, Guinea-Bissau, Netherlands and Peru and the observers for Greece, Haiti, Iceland and Luxembourg, had become sponsors of the draft resolution, which was considered to be within the scope of perennial activities. Resources would, therefore, be provided from within existing provisions for the Economic and Social Council mandates under section 21 (Human Rights) of the approved programme budget for the biennium 1994-1995.

16. Draft resolution E/CN.4/1994/L.88, as orally revised, was adopted.

Draft resolution on the plight of street children (E/CN.4/1994/L.92)

17. Mr. MEGALOKONOMOS (Observer for Greece), introducing the draft resolution on behalf of the European Union and its other sponsors, said that, at the request of various interested delegations, the sponsors had made a number of minor changes. In the tenth preambular paragraph, the words "and in the" in the fourth line should be replaced by a comma and the words "social, educational and public health programmes" should be added at the end of the paragraph. In the fifteenth preambular paragraph, the word "underdevelopment" should be inserted after the word "property" in the second line and the word "war" should be inserted after the word "exploitation" in the fifth line. In the first line of operative paragraph 3, the words "guarantee the" should be inserted after the word "to" and the word "for" after the word "respect". He hoped that the draft resolution could be adopted by consensus.

18. Mr. LEBAKINE (Acting Secretary of the Commission) said that the delegations of Angola, Australia, Brazil, Cameroon, Colombia, Cuba, Guinea-Bissau, Malawi, Mexico and Uruguay and the observers for Belgium, Haiti, Iceland, Lithuania, New Zealand, Philippines, Portugal, Switzerland and Turkey had become sponsors of the draft resolution.

19. Draft resolution E/CN.4/1994/L.92, as orally revised, was adopted.

Draft resolution on the effects of armed conflicts on children's lives (E/CN.4/1994/L.98)

20. Mr. DAUFRESNE de la CHEVALERIE (France), introducing the draft resolution on behalf of its sponsors, said that it was a follow-up to Commission resolution 1993/83 and dealt in particular with anti-personnel mines, of which children were the main victims. A new fifteenth preambular paragraph should be added to read "Welcoming the Declaration adopted on 1 September 1993 by the International Conference for the Protection of War Victims in which the States reaffirmed their responsibilities under the Geneva Conventions and their Additional Protocols". He hoped that the resolution would be adopted by consensus.

21. Mr. LEBAKINE (Acting Secretary of the Commission) said that the delegations of Angola, Australia, Cameroon, Ecuador, Germany, Guinea-Bissau, Libyan Arab Jamahiriya, Mauritania, Peru, Russian Federation and Uruguay and the observers for Belgium, Gambia, Ireland, Lithuania, Portugal and Sweden had become sponsors of the draft resolution.

22. Draft resolution E/CN.4/1994/L.98, as orally revised, was adopted.

23. Mr. FLÜGGER (Germany) said that his delegation had joined the consensus on draft resolution E/CN.4/1994/L.23 despite its serious reservations about the procedural approach adopted therein. The new working group should cooperate closely with the Committee on the Rights of the Child and with the Special Rapporteur, in accordance with operative paragraph 17 and should begin its deliberations by considering whether a draft optional protocol was actually needed at all.

24. Mr.FLINTERMAN (Netherlands) said that, while his delegation had joined the consensus on draft resolution E/CN.4/1994/L.23, it thought that, child exploitation being a complex matter, any action to control it should be well prepared and consistent with the international instruments and mechanisms and that was, unfortunately not so in the case of the action taken by the draft resolution in question.

25. Mr. MARUYAMA (Japan) said that his delegation had joined the consensus on draft resolution E/CN.4/1994/L.23 despite the fact that it did not reflect the concerns of all delegations, not least the doubts expressed as to the advisability of establishing an open-ended working group. He hoped that, at future sessions of the Commission, appropriate consultations would be held on matters of major concern to Member States.

FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 23) (continued) (E/CN.4/1994/L.94/Rev.1)

Draft resolution on the World Conference on Human Rights (E/CN.4/1994/L.94/Rev.1)

26. Ms. KOFLER (Austria), introducing the draft resolution on behalf of its sponsors, said that the spirit of Vienna had been frequently invoked during

the Commission's current session. The draft resolution had been prepared in that same spirit and she was confident that the Commission would adopt it without a vote.

27. Mr. LEBAKINE (Acting Secretary of the Commission) said that the delegations of Angola, Barbados, Cameroon, Costa Rica, Côte d'Ivoire, Cyprus, Japan, Mauritania, Tunisia, United States of America and Venezuela and the observers for Belgium, Denmark, El Salvador, Gambia, Greece, Haiti, Israel, Morocco, New Zealand, Slovenia, Spain and Switzerland had become sponsors of the draft resolution.

28. Draft resolution E/CN.4/1994/L.94/Rev.1 was adopted.

The meeting rose at 11.30 p.m.